

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
THE BARRY WHITE FAMILY TRUST U/A/D: 24cv7509 (DLC)
DECEMBER 18, 1980, BY ITS DULY :
EMPOWERED TRUSTEES, : ORDER
:

Plaintiffs, :
:

-v- :
:

JOE COOLEY, RODNEY DAVID OLIVER p/k/a :
RODNEY-O, d/b/a NOT INTRESTED :
PUBLISHING, :
:

Defendants. :
:
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DENISE COTE, District Judge:

The defendants, Joe Cooley and Rodney Oliver, moved to dismiss the Amended Complaint based on lack of personal jurisdiction on January 31, 2025. At that time, they were represented by Fox Rothschild LLP ("Fox"). In recent weeks, the defendants have indicated their desire to proceed pro se, and an Opinion of April 9 granted Fox leave to withdraw from this action. Several new filings from Oliver and Cooley have been docketed since then.

ECF No. 67 is construed as purporting to be Cooley's answer and counterclaims. ECF No. 70 is construed as purporting to be Oliver's answer and counterclaims. ECF No. 68 is construed as a statement by the defendants that Cooley has no ownership or authorship of "Everlasting Base," and a request by the

defendants that the plaintiffs dismiss their claims against Cooley.

As noted in the Opinion of April 9, the defendants may still choose to be represented by new counsel. This litigation will move forward, however, on the assumption that Oliver and Cooley are proceeding pro se. Accordingly, it is hereby

ORDERED that the defendants' January 31 motion to dismiss is denied as moot.

IT IS FURTHER ORDERED that an Initial Pretrial Conference shall be held telephonically on **April 24, 2025 at 3:30 P.M. Eastern Time**. The parties shall use the following dial-in credentials:

Dial-in: 1-855-244-8681

Access code: 2312 042 2648

The parties shall use a landline if one is available.

The purpose of the conference is to discuss settlement, any possible motions you may wish to make, and the schedule for discovery. Be prepared to describe the discovery you need and a proposed schedule for discovery.

Under the Federal Rules of Civil Procedure -- the rules that govern all civil lawsuits -- the parties are permitted to seek discovery from each other. The plaintiffs and the defendants may each serve each other with interrogatories; may

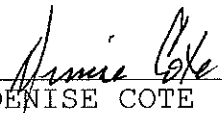
take depositions of one another; or may make requests to exchange documents in each other's possession. These requests are made directly from one party to another, and they should not be sent to the Court. If any party believes that the other party is requesting discovery material that is not relevant to this litigation, that party should first express its concerns to the other side and attempt to reach agreement. If the parties are unable to reach agreement, then either party may write a letter to the Court explaining in a writing no longer than two pages the nature of the dispute. The Court will then provide a ruling or hold an informal conference with the parties pursuant to Local Rule 37.2.

If you cannot participate in the April 24 conference at the time and date specified, you must promptly request a change in writing. The request must (a) specify the reasons why you cannot attend, (b) state whether the other parties have consented to a change in the conference date, and (c) list alternative dates and times when all parties are available to appear. Unless all parties are notified that the conference date has been changed, it will be held as scheduled.

IT IS FURTHER ORDERED that, before the conference, the parties shall discuss with each other the defendants' request that the claims against Cooley be dismissed (ECF No. 68).

IT IS FURTHER ORDERED that the plaintiffs shall serve this
Order on the defendants.

Dated: New York, New York
April 11, 2025



DENISE COTE
United States District Judge